

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$52,002.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Bridget J. Schoenborn, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$52,002.00 in United States currency, was seized on or about December 12, 2022, from Octabio Roque, Ana Castillo, and an individual having the initials R.R. at 1XXX S. 31st Street, Milwaukee, Wisconsin.¹

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

¹ Throughout this complaint, certain information has been redacted using the letter “X” as a means of avoiding the revelation of any personal information.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

7. The defendant property, approximately \$52,002.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

8. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.

December 12, 2022 shooting incident involving Octabio Roque

9. On December 12, 2022, at about 3:57 a.m., officers responded to 7XXX S. 6th Street, #XXX, Oak Creek, Wisconsin (the “Oak Creek Apartment”) after receiving a report of shots fired at that location.

10. Octabio Roque and B.O. were the only two persons residing at the Oak Creek Apartment.

11. Residents in a neighboring apartment had reported hearing shots fired, seeing bullet holes in the entry door to the Oak Creek Apartment, and seeing Octabio Roque and B.O. quickly

leaving the Oak Creek Apartment carrying large suitcases a short time after the shots had been fired.

12. Upon their arrival, officers saw bullet holes in the entry door of the Oak Creek Apartment and debris on the floor in front of the entry door.

13. After announcing themselves, receiving no response from anyone inside the Oak Creek Apartment, and fearing that someone may be injured inside the apartment, officers forced entry into the Oak Creek Apartment. No one was present.

14. Inside the Oak Creek Apartment, the bedroom door had about nine bullet holes.² Several shell casings were on the bedroom floor. There was a strong odor of marijuana in the apartment, and drug paraphernalia was on the kitchen counter.

15. While officers were processing the scene at the Oak Creek Apartment, Octabio Roque and B.O. returned to the apartment.

16. Octabio Roque and B.O. were taken into custody.

Mirandized recorded interview of B.O.

17. On December 12, 2022, an officer conducted a recorded interview of B.O.

18. Prior to conducting the interview, the officer read B.O. her Constitutional Miranda Rights. B.O. stated that she understood each of her rights and was willing to speak with the officer.

19. During the interview, B.O. admitted, among other things, the following:

- A. On December 12, 2022, B.O. and Octabio Roque were talking in their bedroom. B.O. thought that Roque was attempting to unload his handgun, which he had done in the past when they went to bed. Roque then fired numerous rounds of ammunition in the bedroom.
- B. B.O. saw numerous shell casings on the bedroom floor where Roque had been standing when he fired rounds of ammunition. B.O. also saw that there were bullet holes through their entry door and bullet holes in other apartments across the exterior hallway.

² The bullet holes were in a very tight pattern in the bedroom door – directed at the bedroom door and ultimately at the apartment entry door and exterior hallway.

- C. After Octabio Roque fired the shots, B.O. and Roque panicked and decided to flee from the apartment.
- D. Octabio Roque took two suitcases from their apartment when they fled.
- E. Octabio Roque and B.O. drove to Roque's father's residence, 1XXX S. 31st Street, Milwaukee, Wisconsin (the "31st Street Residence"), where B.O. and Roque brought the two suitcases and a plastic bin into that residence. Roque's father woke up, and B.O. spoke with the father.
- F. B.O. admitted that before she and Octabio Roque left the 31st Street Residence, Roque went into the bedroom that had been Roque's bedroom.
- G. Octabio Roque and B.O. then loaded the two suitcases back into their vehicle but left the plastic bin at the 31st Street Residence.
- H. Octabio Roque and B.O. then drove to the residence of an individual having the initials T.S., 9XXX W. Sura Lane, #XXX, in Greenfield, Wisconsin (the "Sura Lane Apartment"). Upon arrival, Roque unloaded the two suitcases from their vehicle and walked off. B.O. then called T.S., who came down from his apartment and helped B.O. carry the two suitcases up into the Sura Lane Apartment.
- I. B.O. admitted that Octabio Roque sells large amounts of marijuana.
- J. B.O. admitted that the two suitcases that she and Octabio Roque took from their apartment and dropped off at the Sura Lane Apartment contained a large amount of marijuana.

Mirandized recorded interview of Octabio Roque

- 20. On December 12, 2022, an officer conducted a recorded interview of Octabio Roque.
- 21. Prior to conducting the interview, the officer read Octabio Roque ("Roque") his Constitutional Miranda Rights. Roque stated that he understood each of his rights and was willing to speak with the officer.
- 22. During the interview, Octabio Roque admitted, among other things, the following:
 - A. Roque admitted firing numerous rounds of ammunition from a handgun through the door of the Oak Creek Apartment because Roque heard a knocking noise at the door and thought he may be getting robbed.

- B. Roque admitted that the plastic bin that he dropped off and left in the basement of the 31st Street Residence contained about one-half pound of marijuana.
- C. Roque claimed that the suitcases he and B.O. removed from the Oak Creek Apartment contained clothes and shoes.

December 12, 2022 execution of search warrant at the Oak Creek Apartment

23. On December 12, 2022, officers executed a search warrant at the residence of Octabio Roque and B.O., 7XXX S. 6th Street, #XXX, Oak Creek, Wisconsin.

24. On December 12, 2022, the following items, among other things, were inside the Oak Creek Apartment:

- A. In the kitchen were a money counter, a container of small black rubber bands often used to bundle currency, and numerous large (pound quantity) vacuum seal bags with marijuana residue.
- B. In the living room were three suitcases. Located in and on the suitcases were large Ziplock style bags. Inside one of the Ziplock bags was a gallon-size vacuum seal bag with marijuana residue.
- C. In the bathroom was a vacuum seal machine.

December 12, 2022 execution of search warrant at the 31st Street Residence

25. On December 12, 2022, officers also executed a search warrant at the residence of Ana Castillo and R.R. (Octabio Roque's mother and father), 1XXX S. 31st Street, Milwaukee, Wisconsin.

26. R.R. was present at the 31st Street Residence during execution of the warrant. R.R. stated that following:

- A. R.R.'s son, Octabio Roque, no longer lives at the 31st Street Residence but Octabio Roque maintains his bedroom at the residence.
- B. R.R. does not go into Octabio Roque's bedroom because that room is Octabio's private area.

- C. Octabio Roque and B.O. came to the residence in the early morning hours of December 12, 2022, and he spoke with them.

27. On December 12, 2022, the following items, among other things, were inside the 31st Street Residence:

A. In Octabio Roque's bedroom were the following:

- i. Three empty boxes for handguns. One of the boxes was for the Glock pistol that had been located on top of the pink suitcase inside the Sura Lane Apartment, as noted in paragraph 28.A.i.
- ii. A locked safe. R.R. stated that the safe belonged to Octabio Roque and did not belong to R.R. or to R.R.'s wife, Ana Castillo.³ Inside the safe were the following:
 - a. Approximately \$52,002.00 in United States currency, which was wrapped in bundles using rubber bands. Denominations of the currency were 42-\$100 bills; 55-\$50 bills; 2,241-\$20 bills; 18-\$10 bills; 10-\$5 bills; and one \$2 bill.
 - b. A receipt from The Shooter's Shop for a Taurus PT1911 pistol that was sold to Octabio Roque on June 1, 2022, for \$685.71.
 - c. A receipt from Triple E's Autobody dated October 15, 2020, listing Octavio Castillo as the customer.⁴
 - d. Four blank receipt sheets for Cheap Cars Auto Sale, 7867 S. Holden Road, Greensboro, NC 27407.⁵
- iii. Documents, mail, and identification cards in the name of Octabio Roque.

B. In the basement was a plastic bin containing the following:

- i. Five bags containing a total of approximately 617 grams of marijuana.

³ Octabio Roque later denied ownership of the safe as well.

⁴ Castillo is the maiden name of Octabio Roque's mother.

⁵ An inquiry on the USPS.com website shows that 7867 S. Holden Road, Greensboro, NC is not a valid address. A search on the North Carolina Secretary of State's website shows no registered business with the name "Cheap Cars Auto Sale."

- ii. One digital scale.
- iii. Two 90-count boxes of baggies.
- iv. One 1,400-count box of RAW brand rolling papers.

December 12, 2022 execution of search warrant at the Sura Lane Apartment

28. On December 12, 2022, officers also executed a search warrant at the residence of T.S., 9XXX W. Sura Lane, #XXX, in Greenfield, Wisconsin.

29. On December 12, 2022, the following items, among other things, were inside the Sura Lane Apartment:

- A. Between the bedroom and living room were two large suitcases – one pink and one blue.
 - i. On top of the pink suitcase was a Glock 19X pistol, loaded with 16 rounds of ammunition and one round in the chamber. The box to this firearm was located in the closet of Octabio Roque's bedroom at the 31st Street Residence, as noted in paragraph 26.A.i.
 - ii. Inside the pink suitcase were 16 vacuum sealed bags containing a total of approximately 8,048 grams of marijuana.
 - iii. Inside the blue suitcase were eight bags containing a total of approximately 3,924 grams of marijuana.
 - iv. Also in the blue suitcase was a box containing a total of approximately \$52,985.00 in United States currency.⁶ The currency was bundled in stacks using small black rubber bands.
- B. Throughout the residence were approximately seven additional firearms, packaging materials, drug paraphernalia, a digital scale, grinders, and a total of approximately \$71,318.58 in United States currency.⁷

30. Video surveillance from the Sura Lane Apartment complex shows that on December 12, 2022, at approximately 4:51 a.m., T.S. and B.O. walked into the lobby with the blue

⁶ The approximately \$52,985 is the subject of administrative forfeiture proceeding by the Federal Bureau of Investigation and is not part of the defendant property in this case.

⁷ The approximately \$71,318.58 is the subject of administrative forfeiture proceeding by the Federal Bureau of Investigation and is not part of the defendant property in this case.

and pick suitcases that later had been seized from the Sura Lane Apartment and had contained the approximately 26 pounds of marijuana. The video further shows that about four minutes later, at approximately 4:55 a.m., T.S. and B.O. walked out of the apartment complex together with no suitcases.

Administrative Forfeiture Proceedings

31. The Federal Bureau of Investigation (“FBI”) began administrative forfeiture proceedings against the approximately \$52,002.00 in United States currency on the ground that the seized currency was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

32. On or about February 22, 2023, Ana Castillo filed a claim with the FBI in the administrative forfeiture proceedings to the defendant approximately \$52,002.00 in United States currency.

Warrant for Arrest In Rem

33. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

34. The plaintiff alleges and incorporates by reference the paragraphs above.

35. By the foregoing and other acts, the defendant property, approximately \$52,002.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

36. The defendant approximately \$52,002.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 5th day of May, 2023.

Respectfully submitted,

GREGORY J. HAANSTAD
United States Attorney

By: s/BRIDGET J. SCHOENBORN
BRIDGET J. SCHOENBORN
Assistant United States Attorney
Wisconsin Bar Number: 105396
Attorney for Plaintiff
Office of the United States Attorney
Eastern District of Wisconsin
517 East Wisconsin Avenue, Room 530
Milwaukee, WI 53202
Telephone: (414) 297-1700
Fax: (414) 297-1738
E-Mail: bridget.schoenborn@usdoj.gov

Verification

I, Jason Baranek, hereby verify and declare under penalty of perjury that I am a Detective with the Oak Creek Police Department (OCPD) in Milwaukee County, Wisconsin, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 30 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Detective with the OCPD.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 5/5/2023

s/Det. Jason Baranek
Jason Baranek
Detective
Oak Creek Police Department